

REMARKS/ARGUMENTS

Claims 1, 4-20, 23-27 and 30-38 remain in the application for further prosecution. Claims 2, 3, 21, 22, 28 and 29 were previously canceled. By this amendment, claims 4-5, 7-11, 15-17, 23, 25-26, 31-34 and 37-38 have been amended.

The Final Office Action objected to various claims due to informalities. Applicant has amended the claims according to the Examiner's suggestions and respectfully submits that such amendments remedy the informalities.

Claim Rejections – 35 USC § 103

Claims 1, 4-20, 23-27 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2005/0101371 (herein Seelig '2005) in view of U.S. 2004/0147300, herein Seelig '2004) (Seelig '2004). The Seelig '2004 reference was previously cited in the previous Office Action while the Seelig '2005 reference is newly cited.

Applicant is submitting herewith the Declaration of co-inventors Lisa M. Helfer and Daniel P. Fiden in accordance with 37 C.F.R. § 1.131. The 1.131 Declaration is being offered to swear behind the Seelig '2005 reference.

All the claim rejections are based on the newly cited Seelig '2005 reference, which was filed on September 15, 2003. The filing date of the present application is less than five (5) months after the filing date of the Seelig '2005 reference. Applicant respectfully traverses all claim rejections on the ground that the Seelig '2005 reference does not qualify as prior art under 35 U.S.C. § 102(e) for the reason that Applicant's invention date precedes the earliest priority date of the Seelig '2005 reference. Enclosed with this paper is the Declaration of co-inventors, Lisa M. Helfer and Daniel P. Fiden, in accordance with 37 C.F.R. § 1.131 evidencing Applicant's invention date preceding the priority date of the Seelig '2005 reference.

Applicant does not concede that the citations by the Office Action in support of the claim rejections are actually supported by the Seelig '2005 reference. For purposes herein, because Applicant's invention date precedes the earliest priority date of the Seelig '2005 reference, Applicant submits that in no event can the Seelig '2005 reference be used to reject any of the pending claims. Because the Seelig '2005 reference fails to qualify as prior art under 35 U.S.C. § 102(e), it cannot be used to reject claims under Section 103. The present claims are allowable over the Seelig '2004 reference for the reasons outlined in Applicant's previously submitted papers. Therefore the Section 103 rejections are respectfully traversed.

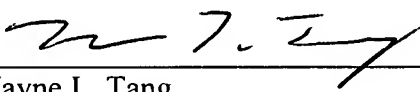
Conclusion

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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